

### REMARKS

Initially, Applicant thanks the Examiner for conducting a telephonic interview on September 4, 2003. During the interview, the patentability of claims 1 and 3-10 was discussed, and possible amendments to independent claim 1 to overcome the prior art rejection of record. Specifically, it was agreed that the current amendment adding the limitation "of the two or more segment sequences" to claim 1 addressed the rejection, but that the Examiner would need to undertake additional searching in light of the amendment before allowing the claims.

Applicant thanks the Examiner for returning a duly initialed copy of the Form PTO-1449 with the Office Action, indicating consideration of the documents cited in the Information Disclosure Statements filed January 3, 2003. Applicants note that the Eisenberg reference, U.S. Patent No. 5,436,850 was cited by the Examiner in a Form PTO-892 in the previous Office Action dated July 3, 2002.

Reconsideration and withdrawal of the rejections of record are respectfully requested.

#### *Summary of Status of Amendments and Office Action*

In the present amendment, claims 1, 9 and 10 are amended and claims 11 and 13-20 are canceled. Therefore, claims 1 and 3-10 are pending in the application with claim 1 being independent.

Claims 11 and 13-20 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

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Claims 1, 3-11 and 13-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Eisenberg et al. (U.S. Patent No. 5,436,580).

***Response to § 101 Rejection***

Applicants note that the current amendment cancels claims 11 and 13-20 without prejudice or disclaimer to allow early allowance and issuance of claims 1 and 3-10. Applicants' actions in canceling these claims is not to be construed as an acknowledgment of the validity of the rejections, and Applicants expressly reserve the right to pursue these claims in a continuation application.

***Response to § 102(b) Rejection***

Claims 1, 3-11 and 13-20 are rejected under 35 U.S.C. § 102(a) as being anticipated by Eisenberg et al. (U.S. Patent No. 5,436,580). The previous Office Action asserted that Eisenberg teaches a method of identifying a protein's sequence that fold into a predetermined 3-D structure. In response to Applicant's prior amendment, the current Final Office Action notes that the method claims do not actively require the "at least two partial sequences (or segments)" be compared to the query protein. The Final Office Action also asserts that the claims require two or more segments of the reference protein for establishing the environmental information, but the segments themselves are not explicitly required for their comparison against the query protein.

In response, Applicant has amended claim 1 to recite that the matching is based on the environmental information on each amino acid residue of each of the two or more segment sequences of the reference protein and hydrophobicity or hydrophilicity property of the side chain

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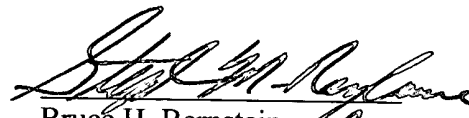
of each amino acid residue of the query sequence. The Office Action makes clear that Eisenberg does not teach the use of two or more segment sequences. Therefore, in view of the above, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1-20 under 35 U.S.C. § 102(b).

### CONCLUSION

In view of the forgoing, Applicant respectfully submits that all pending claims patentably define Applicant's invention. Allowance of the application with an early mailing date of the Notices of Allowance and Allowability is therefore respectfully requested.

Any comments or questions concerning this application can be directed to the undersigned at the telephone number given below.

Respectfully submitted,  
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